IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 7325 of 2006()

CRIME NO. 227/05 OF MARARIKULAM POLICE STATION

PETITIONER/ACCUSED NO.1:

UNNI, S/O.LATE RAMACHANDRAN,
KONEBAYIL VEEDU, PALLURUTHY, KOCHI.

BY ADV. SRI.B.RAMAN PILLAI
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED
SRI.DELVIN JACOB MATHEWS

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADDL. DIRECTOR GENERAL OF PROSECUTIONS V.K. MOHANAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON 11/01/2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.7325 OF 2006

Dt. January 11, 2007

ORDER

In this petition filed under Sec. 439 Cr.P.C. the petitioner who is the first accused in Crime No. 227/2005 of Mararikkulam Police Station for offences punishable under secs.115, 120B, 307 and 302 read with sec.34 I.P.C., seeks his enlargement on bail.

2. The occurrence took place on 20-7-2005. The petitioner was arrested on 29-7-2005.

3. Adv. Sri. Mohanan, the learned Addl. Director General of Prosecutions, opposed the application. He made the following submissions before me:-

This is a case in which accused Nos. 6 and 7 who wanted to exterminate their former employee and subsequent business rival Ramesh had engaged the petitioner and the 2nd accused who are hired gundas and in pursuance of the criminal conspiracy hatched by all the persons, Ramesh who was travelling along with his sister Latha, her father-in-law Vijayadharan and one Kuttikrishnan an associate of Ramesh in a Tata Safari Car driven by one Shamsudeen on 20-7-2005 was killed by the first accused by dashing a Lorry against the Tata Safari Car. On account of the collision, Ramesh, Latha and driver

Shamsudeen sustained fatal injuries to which they succumbed and Vijayadharan and Kuttikrishnan sustained serious injuries. The petitioner is an accused in Crime No. 2/99 of Palluruthi Police Station inter alia for an offence punishable under Section 307 I.P.C. He is also an accused along with the 2nd accused in Crime No. 84/99 of the same police station for an offence punishable under Sec. 395 I.P.C. In Crime No. 250/00 of the very same police station, the petitioner is an accused for an offence punishable under Sec. 401 I.P.C. The petitioner is an accused in Crime No. 4/02 for offences punishable under Sections 323 and 324 I.P.C. This was a brutal murder. Eventhough a further report has been filed by the investigating agency, the three more accused persons who are sought to be added are still absconding. The trial of the case may be expedited by issuing appropriate directions to the Sessions Judge, Alappuzha.

4. The counsel for the petitioner on the other hand submitted that the advertence to the previous crimes has been made only to prejudice the mind of this court. The petitioner has been acquitted in all those cases.

5. If the prosecution is able to establish the criminal conspiracy and the consequent killing of Ramesh through the

"operation lorry ramming" the petitioner may deserve condign punishment. But pre-trial incarceration for more than 1 ½ years is too long a period to satisfy the vanity of law. The apprehensions of the prosecution can be taken care of by imposing appropriate conditions. Moreover, the further investigation started by the investigating agency has not reached a finality. After the submission of further report before the committal Magistrate, the 6th accused who was recently remanded to judicial custody will have to be committed to the Sessions Court for trial. The commencement of the trial of the case is not likely to take place in the near future. The continued detention of the petitioner who has been languishing in the prison for more than 1½ years at the pre-trial stage does not appear to be warranted. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Alappuzha and subject to the following conditions:-

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the

prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

Sd/- **V.RAMKUMAR, JUDGE.**

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/true copy/

P.A. to Judge.

(V.RAMKUMAR, JUDGE)

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